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VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998				
EXAMINER				
CARTER, CANDICE D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,137

Applicant(s)

KIM, HAE YOUNG

Examiner

CANDICE D. CARTER

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The Following is a Final Office Action in response to communications received on June 16, 2010. No claims have been amended. No claims have been cancelled. No new claims have been added. Therefore, claims 1-13 and 15-21 are pending and have been addressed below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-7, 9-11, 13, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenger (US 2003/0233242) in view of L'Allier et al. (6,606,480, hereinafter L'Allier).**

As per claim 1 and 19-21, Wenger discloses A system accessible by a user for planning and tracking certification, comprising:

establishing a user account over a network for selecting a desired certification authority for entering user information relating to the certification by the desired certification authority (§ 22, 88, 89 and Fig. 10 disclose a user establishing an account, entering personal information into account, and selecting a school to profile their transcript against);

a database storing at least one user profile associated with the at least one user seeking certification and at least one authority profile associated with the desired certification authority, wherein the at least one user profile specifies user information including a certification authority and wherein the at least one authority profile contains one or more certification requirements associated with the certification authority specified in the user profile (¶ 7 discloses a database ¶ 22 discloses storing accounts for individuals and ¶ 26 and fig. 2 discloses storing school profiles having information regarding degree requirements).

planning module executed at one or more workstations that generates one or more certification goals based on user entered information and the one or more certification requirements in the at least one authority profile (Pg. 6, ¶ 89; via users select the school they want to profile their transcript against. The analysis provides a profile that details overall credits required to complete the program, where transcript information is stored in the users profile/account and the program information is taken from school profiles and the credits to be competed for the program are the certification goals).

and a tracking module executed at one or more workstations that tracks the certification process based on input regarding achievement of the one or more user selected certification goals (pg. 4, ¶ 31; via tracks credits achieved through training or portfolio processes).

Wenger, however, fails to explicitly disclose wherein the planning module is responds to the at least one user's selection of one or more certification goals to create

a certification plan and wherein the planning module transmits the certification plan to the certification authority specified in the user profile; a user entry module that presents a first user interface to the at least one user seeking certification; the profile storing at least one user skill; a user interface for at least one user seeking certification to select one or more presented certification goals.

L'Allier discloses an automated system and method for creating an individualized learning program having a planner generate a training regimen responsive to user selection of one or more of the generated training goals (col. 6, line 6-14 discloses a user identifying a skill desired and generating a training regimen based on that desired skill not currently possessed by the user, where the skill is the training goal; see also claim 10 as disclosing a user interface for selecting a desired skill to be learned by a user for creating a training regimen for the user);

storing a set of skills possessed by the user (see claim 10 and col. 5, line 52-64)

transmitting the certification plan to the certification authority specified in the user profile (col. 15, line 46-67 discloses sending the curriculum to a course management system).

and a user input device that allows a user to input personal information (see col. 4, line 42-45, col. 6 line 40-50, and claim 10)

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and system for auditing academic credit for employment and training of Wenger to include the generation of a training regimen based on a selected desired skill, transmitting a curriculum, storing a

set of skills possessed by the user, and a user input device for entering personal information via a user interface as taught by L'Allier in order to facilitate tailoring a training program directly to those skills that the user needs or desires and to communicate the curriculum to appropriate parties or components.

Examiner notes that using an entry module to a user interface to enter information for the purpose of creating an electronic and/or online account is old and well known. For example, websites such as, eBay, Amazon, and various banking websites, student resource websites for various institutions of higher learning will often have an interface for setting up an online account so that users will have convenient 24 hour access to their accounts and other services that the websites may offer.

The Wenger and L'Allier combination fails to explicitly disclose updating the certification plan in response to input regarding achievement of the one or more selected certification goals; and specifying a certification authority in the user profile.

Examiner notes that it is old and well known to update a training or academic program as well as updating information when the status of such information changes.

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and system for auditing academic credit for employment and training of the Wenger and L'Allier combination to include the updating of the certification plan based on input regarding achievement of the one or more selected certification goals in order to allow a user to keep track of those goals that have been completed and those goals that still need to be completed.

In addition, Examiner notes that it is old and well known to associate certification goals, achievements, and/or credits, with the certification authority that is granting the certification. For example, many times universities will allow their students to complete coursework at different universities that would be counted as transfer credits towards a degree program at the home university. These transfer credits will be indicated as such on a transcript as well as the awarding institution granting the credits. Available at <http://www.fldoe.org/FASTER/man10001/appx-v.htm> is a sample transcript from Florida State University that shows the transfer credits and the awarding institution awarded to a particular student.

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and system for auditing academic credit for employment and training of the Wenger and L'Allier combination to include indicating the certification authority through which the certification is granted since the known technique of associating earned credits for training and/or coursework with a particular certification authority would have predictably resulted in keeping detailed records for tracking and auditing purposes. See KSR [127 S Ct. at 1739].

Furthermore, Examiner would like to note that information stored in a database is nonfunctional unless it is used by the system. The specification of certification authority does not change the function of the claimed invention, and as such, is considered to be nonfunctional descriptive material.

Examiner considers who, specifically, the user is to be nonfunctional descriptive material. The specific identity and/or role of the user does not change the function of

the claimed invention. Examiner asserts the invention would perform the same way regardless of whom, specifically, the user is.

Examiner notes that the limitation "transmitting the certification plan for approval" is intended use recitation. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). In the instant case, the specific purpose for transmitting the certification plan does not carry any patentable weight and, therefore, does not make the claimed invention patentably distinct over the prior art.

As per claim 2, Wenger discloses the certification plan relates to at least one of certification, re-certification, licensing, re-licensing in a field of endeavor (Abstract; via licensure programs).

As per claim 3, Wenger discloses the field of endeavor comprises a field relating to at least one of education, teaching, medical, engineering, legal, accounting, and sports (pg. 1, ¶ 6; via teaching, engineering and nursing).

As per claim 4, Wenger discloses the certification authority comprises at least one of a federal government, state government, county government, local government, municipal government, public official, private official, governmental agency, non-governmental agency, public institution, and private institution (pg. 3, ¶ 25; via Profiling for schools, where schools could be public or private institutions).

As per claim 5, Wenger discloses, the planner is responsive to at least one of Needs Assessment and Certification Credit information for generating the certification

(pg 4, ¶ 37 and 38; via In order to support auditing directions for program and license analysis information pertinent to a particular curriculum or program is stored in containers. The system is able to take information from the containers to develop career/program plans for each user).

As per claim 6, Wenger discloses the planner is responsive to certification credit transfer from another certification authority for generating the certification goals (pg. 3, ¶ 21; via determine possible transfer credit awards)

As per claim 7, Wenger discloses the tracker updates the certification plan based on at least one of a user input and non-user input (pg. 6, ¶ 88; via users can modify transcript information as additional courses are taken, employment changes or new information becomes available where this information is tracked by the credit tracking feature discussed in ¶ 30).

As per claim 9, Wenger discloses certification resource generator that associates at least one of the certification goals with at least one certification resource (pg. 3, ¶ 26; via presents requirements for degrees at the school for a specific program of study and/or a specific licensure program where the degree requirements are associated with the program of study that the user wishes to study and are also the certification goals that must be completed in order to receive certification or a degree).

As per claim 10, Wenger discloses the certification resource comprise at least one of a course, program, session, seminar, audio lecture, video lecture, a book, a test, and a form (pg. 4, ¶ 30; via credit could be awarded for military courses or experience through ACE courses, CLEP tests, SAT/ACT tests, or Portfolio reviews).

As per claim 11, Wenger discloses, has a format comprising at least one of a course, session, seminar, degree program, test, form, book, audio, and video (pg. 4, ¶ 30; via credit could be awarded for military courses or experience through ACE courses, CLEP tests, SAT/ACT tests, or Portfolio reviews).

As per claim 13, Wenger discloses, including an on-line system accessible by the user for at least one receiving, ordering, and registering for a certification resource (pg. 3, ¶ 22; via Online training Systems that provide training services for the Portfolio Development System, Career Plain Training and Employment Skills training).

4. Claims 8, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenger in view of L'Allier as applied to claim 1 above and further in view of Orton et al. (US 2003/0046265).

As per claim 8, the Wenger and L'Allier combination discloses all of the elements of the claimed invention but fails to explicitly disclose the planner prioritizes the generated certification goals based on one or more certification requirements of the certification authority. Orton et al. discloses a method and system for creating personalized training programs having a planner that prioritizes the generated certification goals based on one or more certification requirements of the certification authority (pg. 5, ¶ 69; via The tool tracks the progress of the user throughout the training plan. The tool keeps the user apprised of his/her progress. Once the user completes the requested training modules, he/ she is ready to attend the scheduled learning lab,

where the system prioritizes the program such that the user will complete the training modules before they attend the learning lab).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and system for auditing academic credit for employment and training of the Wenger and L'Allier combination to include the step of prioritizing the generated certification goals based on one or more certification requirements of the certification authority as taught by Orton et al. because prioritizing the certification goals for the user will ensure that the user is successfully completing the program requirements as required by the certification authority.

As per claim 15, the Wenger and L'Allier combination discloses all of the elements of the claimed invention but fails to explicitly disclose the tracker transmits an e-mail to the user in connection with a certification goal. Orton et al. discloses a method and system for creating personalized training programs having a planner having a tracker transmits an e-mail to the user in connection with a certification goal (pg. 1, ¶ 8; via receive, automatic email alerts relating to new and existing resources according to the user's interests and career plans).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and system for auditing academic credit for employment and training of the Wenger and L'Allier combination to include where the tracker transmits an e-mail to the user in connection with a certification goal as taught by Orton et al. because alerting the user by email will ensure that the user receives all information pertinent to their certification goals.

As per claim 16, the Wenger and L'Allier combination discloses all of the elements of the claimed invention but fails to explicitly disclose the tracker alerts the user regarding a certification goal deadline. Orton et al. discloses a method and system for creating personalized training programs having a planner having a tracker that alerts the user regarding a certification goal deadline (pg. 4, ¶ 35; via the tool will display an approximate time for completion of the questions so that the user may accommodate this time, where the time for completion of the questions is a deadline).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and system for auditing academic credit for employment and training of the Wenger and L'Allier combination to include the alert as taught by Orton in order to ensure that the user receives all information pertinent to their certification goals.

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenger in view of L'Allier as applied to claim 1 above and further in view of Finaid.org (2002).

As per claim 17, the Wenger and L'Allier combination discloses all of the elements of the claimed invention but fails to explicitly disclose an on-line grant module accessible by the user to search for a grant. Finaid.org discloses a scholarship database system having an on-line grant module accessible by the user to search for a grant (¶ 5; via search one of the scholarship databases, where a scholarship is a grant).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and system for auditing academic credit for employment and training of the Wenger and L'Allier combination to include the searchable scholarship database system as taught by Finaid.org because students may need funding for school, and a provision that would allow them to search for such funding would be a useful feature for the claimed system.

As per claim 18, the Wenger and L'Allier combination discloses all of the elements of the claimed invention but fails to explicitly disclose, the on-line grant module allows the user to apply for a selected grant. Finaid.org discloses a scholarship database system having where the on-line grant module allows the user to apply for a selected grant (¶ 4; via you can even submit an application to some of the scholarships listed).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and system for auditing academic credit for employment and training of the Wenger and L'Allier combination to include the searchable scholarship application database system as taught by Finaid.org because students may need funding for school, and a provision that would allow them to search and apply for such funding would be a useful feature for the claimed system).

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wenger in view of L'Allier as applied to claim 1 above, and further in view of Examiners Official Notice.

As per claim 12, the Wenger and L'Allier combination discloses all of the elements of the claimed invention but fails to explicitly disclose wherein the course comprises at least one of a live course and a self-paced course.

Examiner takes Official Notice that all courses can only be, either, live or self paced. For example, a student may register for different types of courses such that they can fit into their schedule. These courses may be live courses that meet 2-4 times a week in a lecture hall or a lab with faculty facilitation, or they may be taken online where course materials and requirements may be reviewed and completed at the students' convenience. Courses may also be taken through software programs, which also allow students to complete them at their own pace.

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and system for auditing academic credit for employment and training of the Wenger and L'Allier combination to include live and self-paced courses, since such is old and well known in the art that all courses are always, either, live or self-paced courses.

Response to Arguments

7. Applicant's arguments filed June 16, 2010 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the instant case, Applicant argues that the cited combination of references fails to disclose "a user entry module that presents a first user interface to the at least one user seeking certification to create a user account over a network for selecting a desired certification authority and for entering user information relating to the certification by the desired certification authority". Examiner respectfully disagrees.

As cited above, Wenger discloses establishing a user account over a network for selecting a desired certification authority and for entering user information relating to the certification by the desired certification authority. L'Allier discloses a user input device that allows a user to input personal information including a selection of a skill desired to be learned by a user. Examiner asserts that, together, the combination discloses a user a user entry module that presents a first user interface to the at least one user seeking certification to create a user account over a network for selecting a desired certification authority and for entering user information relating to the certification by the desired certification authority.

In addition, what specific purpose the user entry module is used for represents the intended use of the system and not the system itself. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). In the instant case, whether the user entry module is used for selecting a desired certification authority or for selecting a training regimen does not matter. Therefore, the

prior art user entry module that allows a user to enter information and select a training regimen reads over Applicant's claimed invention. Furthermore, Examiner asserts that the user entry module of L'Allier is fully capable of allowing the user to enter any type of information as well as make any type of selection.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to arguments in reference to all depending claims, all rejections made towards the dependent claims are maintained due to a lack of reply by the applicant in regards to distinctly and specifically pointing out the supposed errors in the examiner's prior office action (37 CFR 1.111). The Examiner asserts that the applicant only argues that the dependent claims should be allowable because the independent claims are unobvious and patentable over the prior art.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday- Thursday 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jamisue Plucinski can be reached on (571)272-6811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. D. C./
Examiner, Art Unit 3629

/Jamisue A. Plucinski/
Supervisory Patent Examiner, Art Unit 3629